THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5229 OF 2006

DATED: 13-02-2007

BETWEEN

Duvvi Ramasanthosh Kumar,
S/o. late Asirayya,
R/o. D.No.53-21-21,
Maddilipalem, Visakhapatnam.

...PETITIONER

AND

Commissioner of Police,
Visakhapatnam and others.

...RESPONDENTS

ORDER:

Petitioner filed this writ petition making certain allegations that the official respondents are exceeding their statutory functions while investigating the criminal case pending against him. It is stated that the petitioner fell in love with the third respondent, while so, the parents of the third respondent filed a false complaint before the second respondent, who is taking him at midnight from his house and beating him black and blue, without any justification whatsoever.

2. Counter has been filed stating that the third respondent lodged a complaint on 07.03.2006 against the petitioner alleging that he is teasing and threatening her to love him and requested to take necessary action. Based on the said complaint a case in Cr.No.107 of 2006 under Sections 509 and 506 of the Indian Penal Code, 1860 was registered and investigation was taken up. In that connection only the petitioner surrendered before the I Additional

Chief Metropolitan Magistrate on 09.03.2006 and obtained bail. After completion of investigation, charge sheet has been filed on 26.05.2006, which is yet to be taken on file. Thereafter, the third respondent again filed a written representation on 26.05.2006 alleging that her marriage was settled with one Ramesh Naidu and the petitioner spoiled her marriage alliance by threatening that he would kill both of them, if they get married, which was entered in the General Diary on the same day.

It is stated that on 27/28-05-2006 the petitioner trespassed into the house of the third respondent by jumping over the compound wall at midnight and attempted to kill the third respondent by pouring acid on her and he was caught red handed by the family members of the third respondent. On the said report a case in Cr.No.268 of 2006 under Sections 307, 455, 509 and 500 IPC was registered and the petitioner was arrested and remanded to judicial custody.

3. I am of the opinion that the petitioner has filed this writ petition only with a view to divert the attention of the investigating officer and to escape from the legal action; and the allegations made against the police officers are untenable and without any justification whatsoever.

The writ petition is accordingly dismissed with costs of Rs.5,000/- (Rupees Five Thousand only).

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V. ESWARAIAH, J

February 13, 2007
DSK